

MINUTES OF THE  
JOINT HEALTH AND HUMAN SERVICES APPROPRIATIONS SUBCOMMITTEE  
Wednesday, February 6, 2008  
Room W135, West Office Building, State Capitol Complex

Member Present: Sen. Allen Christensen, Committee Co-Chair  
Rep. Merlynn Newbold, Committee Co-Chair  
Sen. Chris Buttars  
Sen. Peter Knudson  
Sen. Ross Romero  
Rep. David Litvack  
Rep. Roz McGee  
Rep. Paul Neuenschwander  
Rep. Steve Urquhart  
Rep. Paul Ray  
Rep. Richard Greenwood

Staff Present: Debbie Headden, Fiscal Analyst  
Russell Frandsen, Fiscal Analyst  
Joan Tiffany, Secretary

Public Speakers Present: Lisa Michele Church, Ex. Dir., Department of Human Services  
David Sundwall, Ex. Dir. of Operations, Utah Department of Health (UDOH)  
Michael Hales, Div. Dir., DHCF, UDOH  
George Delavan, Community and Family Health Services, UDOH  
Teresa Garrett, Div. Director, Laboratory Services, UDOH

A list of visitors and a copy of handouts are filed with the committee minutes.

The meeting was called to order by Co-Chair Christensen at 2:20 pm.

Sen. Christensen explained the two lists of DHS and DOH requests and the process of prioritizing them.

1. **Department of Human Services-Prioritization of General Fund Budget Changes-2008 General Session**

**Ongoing Items Not Funded within Subcommittee Allocation**

Lisa-Michele Church expressed her appreciation for the considerations for the department's needs. She voiced her concerns and gave her recommendations for the department which were to move "Child and Family Treatment Services" and "Aging Alternatives" higher on the list. "Youth Substance Abuse Treatment" could stay in the number ten slot and switch number twelve "Child and Family Treatment Services" with "Autism Contracts" number nine.

**MOTION:**

Sen. Christensen moved to change "Child and Family Treatment Services" to the number nine just above the "Autism Contract".

Rep. Neuenschwander asked why "Child and Family Treatment Services" is being switched with the "Autism Contract". Ms. Church explained the reason for the switch.

The motion passed unanimously .

Rep. Litvack asked for an explanation of the order of the list. Rep. Newbold asked about the motion process and stated that " Child and Family Treatment Services" should move higher than number nine as voted on.

**MOTION:** Rep. Newbold moved that the committee move "Child and Family Treatment Services" to number two priority with an internal transfer of \$95,000 so the amount remaining is \$242,500.

Rep. Litvack questioned the high cost of the services and Ms. Church addressed the question.

Rep. Urquhart asked about the list of priority items. Sen. Christensen explained the list.

Rep. Newbold withdrew her motion.

**MOTION:** Sen Christensen moved to place "Child & Family Treatment Services" at number two; "Disabilities Waiting List" at \$1.1 million, "Supported Employment", "Additional Caseworkers", "West Valley Family Support Center", "Drug Courts", "Meals on Wheels", and "Domestic Violence Shelters" as numbers three through nine. He also moved to change "Aging Alternatives" to number ten; "Youth Substance Abuse Treatment" to number eleven with "Autism Contract", "Counseling Services for Veterans and Families", "Child Welfare Amendments", "Long Term Care Ombudsman", "Drivers License" and "Foster Care Citizen Review Board" as numbers twelve through seventeen.

The motion passed unanimously.

Rep. Litvack asked for an updated copy at the end of the meeting today. Sen. Christensen discussed the numbers on the list. Sen. Romero asked about the items and the appropriations listed if they are the original requests. It was explained that the Analyst's recommendations are highlighted in blue on the list. Sen. Christensen asked about the amount for the "Disabilities Waiting List " and Ms. Church listed the requests where the Analyst's recommendations differ.

Rep. Neuenschwander suggested that money be added to the "Disabilities Waiting List". Sen. Christensen discussed a recommendation that this be done and Rep. Newbold suggested that the budget remain the same so that more programs can be funded. Comments were made by Reps. Neuenschwander and Litvack concerning this.

**MOTION:** Sen. Christensen moved that the additional funding of \$1 million for the "Disabilities Waiting List" be added to the bottom of the priority list.

The motion passed unanimously.

#### **One Time Items Not Funded within Subcommittee Allocation**

Ms. Church discussed her recommendations for priority attention. She stated her support for respite care but disagreed with a one time allocation. She suggested to move "After School Disabilities Pilot" up on the list and the "Family Preservation Pilot". Analyst Headden asked about the "Nursing Home Placement

Preservation Program" and Ms. Church addressed this and suggested that consideration be given to the "Long-term Care Ombudsman Program" as a one time appropriation of \$150,000 for education and training. She stated her priority list to the Committee and Sen. Christensen stated that he would like to leave number eight "After School Program" as it is now. Rep. Newbold stated that she prefers "Domestic Violence Shelters" be placed above the "Family Preservation Pilot" including the \$70,900 transfer of money.

Ms. Church stated her preferences in this order "Additional Caseworkers"; "Family Preservation Pilot"; "Domestic Violence Shelters"; Nursing Home Placement Prevention Pilot"; and "Long-Term Care Ombudsman".

Rep. Litvack stated his concern for "Aging Caregiver" in the number ten slot and Sen. Romero had concerns about "Disabilities Respite Care" being on the one-time list. Rep. Urquhart and Ms. Church discussed the one-time money allocation.

**MOTION:** Sen. Christensen moved to place the "Family Preservation Pilot" as number two; "the Domestic Violence Shelters" as number three"; "Nursing Home Placement Prevention Pilot" as number four"; "Disabilities Respite Care" as number five; "Counseling

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The motion passed unanimously with Sen. Knudson absent for the vote.

Ms. Church discussed the possibility of moving the "Long-Term Care Ombudsman" to the one-time list at \$150,000.

**MOTION:** Sen. Christensen moved to change the "Long-Term Ombudsman" from the ongoing list to the one-time list at \$150,000 as number eight.

This motion passed unanimously with Sen. Knudson absent for the vote.

Rep. Neuenschwander asked about the amounts remaining the same and discussed "Drug Courts" funding. Rep. Litvack questioned the amount allocated.

The revised list is included in the packet for the Department of Human Services.

2. **Department of Health Prioritization of General Fund Budget Changes-2008 General Session**

**Ongoing Items not Funded with Subcommittee Allocation**

Dr. David Sundwall discussed the Governor's budget request and expressed the need for number fifteen on the list "UT-NEDSS-public health surveillance" to be the number one priority. He expressed that "Baby Watch/Early Intervention-Provider Rate Increase" be number two on the list. He approved "Autism", "CHIP" enrollment, "Office of the Medical Examiner-Caseload", and "Office of the Medical Examiner-Equipment" stay high on the priority list.

Sen. Christensen asked about the one-time funding of \$50,000 for "Office of the Medical Examiner" and this was explained to be maintenance of the equipment, not the equipment itself. Rep. Neuenschwander asked about the total appropriation request for the medical examiner's office and it was explained.

Dr. Sundwall continued to discuss the Governor's request list. He stated that "Local Health Departments" and "Increase Physician Rates" both need higher priority. "DTS Rate Adjustment" also needs consideration. Rep. Greenwood asked about physician rate increase of ten percent to 50 percent and how they arrived at that figure and that was addressed by Mr. Michael Hales. Dr. Sundwall stated that Utah is low on the scale of physicians' pay for Medicaid patients. Rep. Litvack asked about doctors for Medicaid patients and if there is a tracking system to see if the funding adjustments change the outcome of the increase of physicians for the provider list. Mr. Hales discussed the monitoring of the providers.

Dr. Sundwall submitted Intent Language to pay for case management services for individuals affected by Prader-Willi Syndrome out of the existing Medical Assistance budget as per Sen. Buttars request as he was in another meeting.

Dr. Sundwall discussed "DTS Rate Adjustment" and "Sexually Transmitted Diseases" on the list. He discussed H.B.15 "Controlled Prevention of Sexually Transmitted Diseases" (\$350,000 ongoing) which is for public education awareness only and wanted the committee to fund the Governor's request so that testing as well as education was covered. He suggested combining numbers nineteen and twenty-four on the original list for a combined total of \$387,500. Sen. Romero asked if this is enough to do both and this was answered. Reps. Newbold and Litvack asked about clarified funding amounts and if intent language is needed for H.B.15 additional amount (\$37,500) be used for testing purposes. Dr. Sundwall discussed these concerns. Reps. Litvack and Ray discussed the bill as it was presented on the floor and stated that it was for gonorrhea and chlamydia only. Rep. Newbold suggested that education and testing be left on two different Line Items and not be combined.

Dr. Sundwall said that "IT Product Manager" and "Prescription Abuse Management" are also very important items. He also supported "Health Care Cost and Quality Data" (2007 H.B.9) and "Clinical Health Information Exchange-CHIE" which are included

Mr. Hales discussed the Governor's request compared to the Analyst's recommendation for "Medicaid Core Increase above 2.5% from \$7,176,900 to \$4,100,000. Sen. Christensen asked what "core" and "non-core" meant and Mr. Hales explained the question. Rep. Litvack asked about "Medicaid Adult Vision Benefits", "Children Vaccine Funding" and "CHIP" and wanted clarification. Dr. Sundwall discussed these issues and funding requested. They discussed S.B. 172 "Funding for Medicaid Vision Care" and what is covered by this bill. Immunizations were also discussed and Rep. Newbold asked about money left from last years' budget. George Delavan stated that there is no money being carried forward. Dr. Sundwall and Mr. Hales discussed CHIP funding and the appropriations needed for this program. Sen. Christensen asked about "Adult Dental-Medicaid" and Mr. Hales explained that this is an ongoing request in the amount of \$2.8 million for all adult Medicaid recipients.

Analyst Frandsen explained the CHIP funding and if HB 326 passes there will be \$2.8 million General Fund approved for FY 2010. Rep. Litvack inquired about lapsing funds in CHIP and this was explained by Mr. Hales. Rep. Urquhart asked about H.B. 119 "Controlled Substance Database Amendments" and Dr. Sundwall explained the question. Rep. McGee asked for clarification of priority lists as per the requests and this was clarified.

**MOTION:** Rep. Newbold made a motion to move "CHIP" enrollment to number two with a zero amount.

This motion passed unanimously with Sen. Buttars absent for the vote.

Rep. Neuenschwander discussed H.B.131 "Community Based Self Sufficiency Grants" and the amount listed as \$750,000 and asked about one-time funds. Rep. Ray stated that the fiscal note is \$401,500 and Rep. Urquhart confirmed this amount and stated support for this bill.

**MOTION:** Rep. Newbold made a motion to move " Medicaid Non-Core Increase" and "Medicaid Core Increase above 2.5%" up to slots three and four.

**SUBSTITUTE MOTION:** Rep. Litvack made a substitute motion to move "Adult Dental" to number three above. This motion was withdrawn.

Rep. Newbold's motion passed with Sens. Christensen, Knudson and Romero, Reps. Newbold, McGee, Urquhart, Ray and Greenwood voted aye. Rep. Litvack opposed the motion. Sen. Buttars was absent for the vote.

**MOTION:** Sen. Christensen made a motion to move "Increase Physician Rates" to the number five position.

Sen. Romero stated his opposition to move this above the "Autism Registry". Rep. Newbold asked the amount of funding for the increased physician rates and Mr. Hales explained this.

**AMENDED MOTION:** Sen. Christensen proposed that "Increase Physician Rates" to be moved below "Autism Registry". This motion passed with Sens. Christensen, Knudson and Romero, Reps. Newbold, Litvack, McGee, Neuenschwander and Urquhart voting aye. Rep. Ray and Greenwood opposed the vote. Sen. Buttars was absent for the vote.

**MOTION:** Sen. Christensen purposed that "UT-NEDSS-public health surveillance" be moved to number 8 on the list. The motion passed with Sen. Christensen, Knudson, Romero, Reps. Litvack, McGee,

Neuenschwander, Urquhart and Greenwood voting in favor of the motion. Rep. Ray voted nay. Sen. Buttars was absent for the vote.

**MOTION:** Rep. Newbold made a motion for putting H.B. 133 "Health System Reform" as number seven on the list.

Rep. Litvack voiced his concerns of moving "Adult Dental-Medicaid" lower on the priority list.

**SUBSTITUTE MOTION:** Rep. Litvack moved to place H.B. 133 as number 8 and leave "Adult Dental" as number seven.

Rep. Newbold opposed this substitute motion. Rep. Litvack acknowledged her opposition and addressed that.

The substitute motion passed with Sens. Knudson, Buttars and Romero, Reps. Litvack, McGee and Neuenschwander in favor of the motion. Reps. Newbold, Urquhart, Ray and Sen. Christensen opposed the vote.

Dr. Sundwall questioned the fiscal note on the "cHIE" and this was explained to be one time funding.

**MOTION:** Rep. Litvack made a motion that "Children Vaccine Funding" be reduced from \$1 million to \$500,000 ongoing funding on line sixteen. This motion passed unanimously with Sens. Buttars, Romero, Reps. McGee and Greenwood absent for the vote.

**MOTION:** Sen. Buttars presented Intent Language for Prader-Willi:(Dept. of Health motion)  
I move to adopt the following intent language: It is the intent of the Legislature that the Department of Health pay for case management services for individuals affected by Prader-Willi Syndrome out of the existing Medical Assistance budget.

This motion passed unanimously with Sen. Romero and Rep. Greenwood absent for the vote.

#### **One-Time Items Not Funded within Subcommittee Allocation**

Sen. Christensen asked about "Eye Care for Kids" and Rep. Newbold addressed this.

**MOTION:** Sen. Christensen made a motion to move "Eye Care for Kids" from number two to number seven on the one-time items list after "Laboratory Equipment". This motion passed unanimously with Sen. Romero absent for the vote.

Sen. Urquhart about one-time funding for "UT-NEDSS". Teresa Garrett explained that this is for software system and installation and the ongoing funds are for support, licencing fees and maintenance every year. Rep. McGee asked about the system.

Rep. Litvack had a question to clarify about H.B. 133 and the funding and Dr. Sundwall explained the need for \$500,000 it would be maintained by user fees.

**MOTION:** Rep. Newbold made a motion to move "H.B. 133-Health Care Reform" to number five on the one-time list. The motion passed unanimously with Sen. Romero absent for the vote.

**MOTION:** Rep. Litvack proposed that H.B. 131-"Community Based Self-Sufficiently Grants" be moved to the new number four on the list.

Dr. Sundwall asked for one-time funding for UT-NEDSS and for laboratory equipment. He also recommended the Governor's request of \$200,000 for the "Healthy Weight" program.

**SUBSTITUTE MOTION:** Rep. Newbold made a substitute motion to "Community Based Self Sufficiency Grants-H.B. 131" below Laboratory Equipment" as the new number eight on the list. This was passed unanimously with Sen. Romero absent for the vote.

**MOTION:** Rep. Neuenschwander proposed that "Healthy Weights" be moved from number ten to number nine on the list. The motion passed unanimously with Sen. Romero absent for the vote.

Dr. Sundwall thanked the committee for the support of the wellness programs like the healthy weight one.

Rep. Litvack voiced his support for the community health centers and spoke of his concerns about the small amount of appropriations for the program and he asked if intent language is needed to show reform and accomplishments. Rep. Urquhart addressed these concerns. Dr. Sundwall stated that the community health centers do receive grants as well. Rep. Urquhart stated that this could be work through the DOH budget as well.

The revised list is included in the packet for the Department of Health.

3. **Medicaid Funding Adjustment**

Analyst Frandsen explained Medicaid Funding Adjustment, Issue Brief DOH-09-20(for information only)

**MOTION:** Rep. Newbold made a motion to pass number one and number two on the bottom of the DOH priority list sheet-Medicaid funding adjustment and Baby Watch/Early Intervention-Caseload., including the following intent language:

I move to reduce the Medicaid Assistance Line Item by (\$2,158,900) from the General Fund and (\$5,270,100) from Federal Funds due to lower than budgeted caseload. I further move that the General Fund amounts be reallocated to fund \$1,028,300 ongoing Early Intervention caseload and other items on the priority list.

This motion passed unanimously with Sen. Buttars absent for the vote.

### **Department of Human Services Motions**

**MOTION:** Rep. Newbold moved to approve the Department of Human Services' motions for items one through twelve as they were read.

1. I move to transfer \$5,456,300 from General Fund from the Executive Director Operations line item in the Department of Human Services for the Drug Offenders Reform Act - Pilot program to the Division of Substance Abuse line item as the Drug Offenders Reform Act program.
2. I move to transfer \$3,567,300 with \$1,305,000 from the General Fund, \$800,000 from federal funds, \$1,296,300 from the Tobacco Settlement Restricted Account and \$166,000 from transfers for Drug Courts to the Division of Substance Abuse and Mental Health line item as Drug Courts program.



3. I move to transfer \$350,900 from the Tobacco Settlement Restricted Account for Drug Boards to the Division of Substance Abuse and Mental Health line item as Drug Boards program.
4. I move to transfer \$28,000 from General Fund from the Division of Substance Abuse and Mental Health line item to a new line item of Mental Health Therapist Grant and Scholarship.
5. I move to transfer \$106,500 from one-time General Fund from the Department of Health's Medical Assistance line item to the Department of Human Services' Division of Aging and Adult Services for the Nursing Home Placement Prevention Pilot program.
6. I move to transfer \$170,400 with \$12,700 from General Fund and \$157,700 from federal funds from the Administration program in the Division of Aging and Adult Services to the Medicaid Aging Waiver program within the Division of Aging and Adult Services.
7. I move to transfer \$1,944,100 with \$1,647,100 from General Fund and \$270,000 from federal funds from the Non-formula Funds program in the Division of Aging and Adult Services to the Medicaid Aging Waiver program within the Division of Aging and Adult Services.
8. I move to transfer \$70,400 from General Fund from the Administration program in the Division of Aging and Adult Services to the Aging Alternatives program within the Division of Aging and Adult Services.
9. I move to transfer \$3,950,000 with \$2,875,400 from General Fund and \$1,074,600 from federal funds from the Local Government Grants program in the Division of Aging and Adult Services to the Aging Alternatives program within the Division of Aging and Adult Services.
10. I move to appropriate \$70,900 from the Domestic Violence General Fund Restricted Account for FY 2009 bringing the total funding for this account to \$825,000 for domestic violence services.
11. I move to transfer \$95,500 from General Fund from the Office of Licensing program within the Executive Director Operations line item in the Department of Human Services to the Service Delivery program within the Division of Child and Family Services line item for Child and Family Treatment Services.
12. I move to approve the reallocation of \$54,500 from General Fund for the Inter-country Adoption funding in the Department of Human for the Office of Licensing to hire one additional staff to process background screenings.

This motion passed unanimously with Sens. Knudson and Romero absent for the vote.

### **Department of Health Motions**

**MOTION:** Rep. Newbold moved to approve the Department of Health motions to transfer items one through eight, omitting number seven.

1. I move to transfer \$107,000 from the General Fund and \$107,000 from Federal Funds from the Department of Workforce Services for the correction of eligibility worker consolidation funding to the Health Care Financing line item in the Department of Health for the Eligibility Services Program.
2. In order to redistribute the FY 2008 approved 1.5% discretionary salary increase, I move to transfer:
  - a. \$10,600 from the General Fund from the Community and Family Health line item to the Epidemiology and Laboratory Services line item
  - b. \$23,000 from the General Fund from the Health Systems Improvement line item to the Epidemiology and Laboratory Services line item
  - c. \$9,200 from the General Fund from the Health Care Financing line item to the Epidemiology and Laboratory Services line item
  - d. \$29,200 from the General Fund from the Health Care Financing line item to the Executive Director's Operations line item
3. I move to transfer \$320,000 from the General Fund from the Executive Director's Operations line item in the Center for Health Data to the Community and Family Health line item in the Director's Office to reflect the moving of the Utah State Immunization Information System.
4. I move to transfer \$48,100 from the General Fund from the Health Care Financing line item to the Executive Director's Operations line item to reflect the moving of 2 IT FTE's for compliance with federal rules.
5. I move to transfer \$100,000 from the General Fund from the Medical Assistance line item to the Health Care Financing line item to pay for 4 FTE's in connection with the eligibility worker consolidation.

6. I move to reduce the Dedicated Credit Revenue for the Children's Health Insurance Program line item by (\$844,200) to reflect a reduction in premium revenue estimates.
7. Omitted
8. I move to approve the proposed fees for the Department of Health as detailed in Issue Brief DOH-09-10, which represents an estimated increase of \$889,682 in Dedicated Credit Revenue.

This motion passed unanimously with Sens. Knudson and Romero absent for the vote.

#### **DEPARTMENT OF HUMAN SERVICES INTENT LANGUAGE**

**MOTION:** Rep. Newbold moved to adopt the following changes:

1. I move to revisit the intent language approved by this committee for FY 2009 on January 16<sup>th</sup> for the Department of Human Services.
2. I move to disapprove all of the intent language adopted in the January 16, 2008 meeting.
3. I move to approve the following intent language for FY 2008:

*Under Section 63-38-8.1 of the Utah Code the Legislature intends that up to \$280,000 provided by Item 93, Chapter 371 and Item 70, Chapter 382 of the Laws of Utah 2007 in the Department of Human Services, the Division of Substance Abuse and Mental Health for Counseling Services for Families of Veterans not lapse at the close of FY 2008.*

*Under Section 63-38-8 of the Utah Code the Legislature intends that any remaining amount of the funding provided by Item 108, Chapter 1 of the Laws of Utah 2007 and any additional funding allocated to this line item for the Division of Child and Family Services in the Department of Human Services not lapse at the close of FY 2008. It is further the intent of the Legislature that these funds be used for Adoption Assistance and Out of Home Care programs, the purchase of 19 vehicles for the Division of Child and Family Services and the David C. court monitor.*

4. I move to approve the following intent language for FY 2009:

*The Legislature intends that the Divisions of Substance Abuse and Mental Health and Child and Family Services provide a written report to the Health and Human Services Appropriations Subcommittee by the 2009 General Session on the use of funds provided by Item 93, Chapter 371 of the Laws of Utah for substance abuse treatment services for women. This report is to provide information on how many individuals were served, the effectiveness of the treatment services, and the fiscal impact on current funding levels for children in state custody.*

*The Legislature intends that the Division of Aging and Adult Services report to the Health and Human Services Appropriations Subcommittee by the 2009 General Session on the funding provided in this item for the Nursing Home Placement Prevention Pilot program. This report is to include the number of clients served, the total expenditures for the program and the cost savings generated.*

Rep. Litvack asked for a clarification of the above motion and Analyst Headden gave an explanation.

This motion passed unanimously with Sens. Knudson and Romero absent for the vote.

#### **DEPARTMENT OF HEALTH INTENT LANGUAGE**

**MOTION:** Rep. Newbold moved to accept the following intent language:

It is the intent of the Legislature that \$174,000 from one-time General Fund appropriated during the 2007 General Session provide Medicaid adult vision services under a fee-for-service system with a \$3 co-pay.

This motion passed unanimously with Sens. Knudson and Romero absent for the vote.

Analyst Frandsen addressed the Medicaid Restricted Funds and discussed the related handout.

**MOTION:** Rep. Greenwood moved to adjourn the meeting and this motion passed unanimously with Sens. Buttars, Knudson and Romero absent for the vote.

The meeting was adjourned at 4:46 pm.

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Sen. Allen Christensen, Co-Chair

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Rep. Merlynn Newbold, Co-Chair

